REMARKS

In the non-final office action mailed December 6, 2004, the Examiner allowed claims 1, 3-9, 11-17, and 19-24 and rejected claims 25-56. In response, Applicant amends claims 25, 27-30, 34, 36, 45, 48-49, 52 and 56, and adds claims 57-60. As such, claims 1, 3-9, 11-17, and 19-60 are pending. Applicant requests that the Examiner reconsider claims 25-56, and examine claims 57-60 in view of the amendments and the arguments below.

Allowed Claims – Claims 1-24

Applicant thanks the Examiner for allowing claims 1, 3-9, 11-17, and 19-24. Applicants request that the Examiner maintain the allowance of these claims.

Amended Claims

Applicant has amended claims 25, 27-30, 34, 36, 45, 48-49, 52 and 56 to clarify the intended meaning of these claims. For example, Applicant has amended claims 25, 30, 34, 45, 48-49, 52 and 56 by substituting the phrase "associated with" with the word "for" to more clearly indicate that the data rate information refers to the data streams to be handled in the buffer. No new matter has been introduced by these amendments.

Claim Rejection 35 U.S.C. § 102 – Claims 25-56

The Examiner rejected claims 25-56 under 35 U.S.C. § 102(e) as being anticipated by Lin. Applicant submits that independent claims 25, 34, 45, 49 and 52, (each as amended) as well as all claims that depend directly or indirectly from these independent claims, each define an invention that is patentable over the cited reference.

Applicant's amended claim 25, which is representative of the rejected independent claims, is directed to a method of allocating a buffer to handle one or more data streams. The method includes determining a buffer size for each data stream based on data rate information for the data streams. The method further includes allocating space in the buffer to each of the data streams according to the determined buffer sizes.

Applicant submits that Lin does not disclose every element of Applicant's amended claim 25. For example, Lin does not teach or suggest "determining a buffer size for each data

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stream based on data rate information for the data streams." Rather, Lin discloses three methods to provide a buffer size – none of which teaches or suggests the elements recited in Applicant's claim 25.

First, Lin discloses that the expandable buffers have an initial allocation size that is related to total memory size and the number of expandable buffers. Nowhere does Lin suggest that the initial allocation of buffer size is based on data rate information for the data streams.

Second, Lin discloses that buffer size may be increased when a packet loss rate in a downstream network exceeds a predetermined congestion packet loss rate. Increasing a buffer size in response to a packet loss rate in a downstream network is not the same as determining a buffer size based on data rate information for the data streams. Lin further teaches that the size of the buffer may be increased incrementally, but does not suggest that such size increases are based on data rate information for the data streams.

Third, Lin discloses that buffer size may be decreased when the packet loss rate in a downstream network falls below the predetermined congestion packet loss rate. Decreasing a buffer size in response to a packet loss rate in a downstream network is not the same as determining a buffer size based on data rate information for the data streams. Lin further teaches that the size of the buffer may decrease to its initial allocation size. However, as discussed above, Lin does not suggest that the initial allocation size is based on data rate information for the data streams.

Nowhere does Lin teach or suggest that either (a) the initial allocation of buffer size, (b) the increased buffer size, or (c) the decreased buffer size, is based on data rate information for the data streams. Thus, Lin fails to teach or suggest an element recited in Applicant's claim 25, namely "determining a buffer size for each data stream based on data rate information for the data streams." A substantially similar element is recited in each of Applicant's claims 26-56 (as amended). As such, Lin does not anticipate any of Applicant's claims 25-56. Accordingly, Applicant respectfully request that the Examiner remove the rejections and allow claims 25-56 (as amended).

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New Claims 57-60

Applicant has added new claims 57-60. Applicant respectfully submits that these claims introduce no new matter. For example, new claims 57 find support in the specification at least at page 7, line 25 – page 8, line 3 and in FIG. 4. Moreover, the specification and figures provide support in addition to the foregoing examples. Applicant respectfully submits that these new claims define patentable subject matter over the prior art of record.

Conclusion

Applicant submits that pending claims 1, 3-9, 11-17, and 19-60 are in condition for allowance, and respectfully requests that the Examiner issue a timely Notice of Allowance for all of these pending claims.

Applicant believes that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please charge $250 for the excess claims any other charges or credits to deposit account no. 06-1050.

Respectfully submitted,

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